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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/508,979

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Thomas Bauer

P04,0302

1163

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07/03/2007

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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EXAMINER

SUMMONS, BARBARA

ART UNIT

PAPER NUMBER

2817

MAIL DATE

DELIVERY MODE

07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,979

Applicant(s)

BAUER ET AL.

Examiner

Barbara Summons

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-47, 49-64 and 66-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-47, 50-64 and 66-85 is/are allowed.
- 6) ☒ Claim(s) 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 85 is objected to under 37 CFR § 1.75 as being a substantial duplicate of claim 44, which has been found allowable. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

It appears that in claim 85, on the last line thereof, Applicants intended "serial branch" to be - - parallel branch - - (see the amendment received 4/11/07 on page 16, under "New Claim").

Appropriate correction is required.

2. Claim 81 is objected to because of the following informalities:

In claim 81, on line 2, each instance of "the" should be deleted since "reflectors" and "conductive structures" have not been previously mentioned in the claim.

Appropriate correction is required.

New Grounds of Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claim 49 is rejected under 35 U.S.C. § 102(b) as being anticipated by Plesski et al. U.S. 5,682,126.

It should be noted that because claim 49 was rewritten in independent form without including all of the subject matter of the intervening claims (see at least the subject matter of prior, now canceled, claim 48), it is now essentially a new claim, and the new grounds of rejection stated here below are therefore, required by Applicants' amendment.

Fig 10A of Plesski et al. discloses a surface acoustic wave (SAW) component comprising: at least three interdigital transducers (IDTs) 202 and 204 arranged on a piezoelectric substrate (see col. 6, lines 30-34) being electrically circuited in a ladder configuration of serial and parallel IDTs (see attachment 1 showing the equivalent ladder circuit arrangement); all IDTs 202 being arranged in the signal path connecting the input/output and electrically connected in series; the parallel branch IDTs 204 being connected in parallel to the signal path against a reference potential; at least one of the series IDTs (e.g. the left-most 202 in the figure) being arranged in series with an additional IDT (left-most 204 in the figure) in a propagation direction (up-down in the figure) of the acoustic wave, so that both IDTs are acoustically coupled with one another, so that the IDTs 202 and 204 coupling with each other differ from each other by at least the feature b) being their different pitches period p_1 and p_2 (see also col. 6, lines 34-35) and the feature c) in that they belong to different branches being the serial and parallel branches of the component; at least two serial IDTs following in succession in the circuit (i.e. the left-most and center 202s circled in red in attachment 1) in the

serial branch are arranged next to one another transverse (left-right) to the propagation direction (up-down) of the SAW to form a first electrical cascade; another at least two IDTs (i.e. the left-most and center 204 also circled in red in attachment 1) following in succession in circuit in the parallel branch and arranged next to one another to form a second electrical cascade; and the IDTs 202 in the first electrical cascade being acoustically coupled with corresponding ones of the IDTs 204 in the second cascade.

Allowable Subject Matter

5. Claims 44-47, 50-64 and 66-85 are allowable over the prior art of record.

Response to Arguments

6. Applicants, believing they had placed the application in condition for allowance, did not put forth any arguments regarding the previously applied Plesski et al. reference, and therefore, no response by the Examiner is considered necessary at this time.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Summons whose telephone number is (571) 272-1771. The examiner can normally be reached on M-Th, M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pascal can be reached on (571) 271-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bs

June 25, 2007

(1 Attachment)



**BARBARA SUMMONS
PRIMARY EXAMINER**

Attachment 1

